

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GRETHA SMART, individually and on behalf of her
infant children CC and HC, and JUSTIN LOPEZ,

21-CV-3420 (NRB)

Plaintiffs,

-against-

INFANT COMPROMISE
ORDER

SHARICE SCOTT, SHARON ST. HILL, JOY
HEADLEY, PHOEBUS WIDJAJA, ANNE IDOWU,
JAYNE NWANKWO, IYEISHA WITHERSPOON,
and CITY OF NEW YORK,

Defendants.
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Upon the declaration of plaintiff Gretha Smart, signed on October 5, 2022, the declaration of Carolyn A. Kubitschek, attorney for plaintiffs herein, signed on December 22, 2022, and due deliberation having been had thereon, and upon consideration of the issues and claims in the litigation, and the plaintiffs' acceptance of a Rule 68 offer of judgment in resolution of this case, and it appearing that the best interest of the infant plaintiffs would be served by approval of the proposed compromise in settlement, now, on the motion of Carolyn A. Kubitschek, attorney for infant plaintiffs herein, it is hereby:

ORDERED, that the plaintiff, Gretha Smart, is authorized and empowered, in the interest of her child CC, born 2017, and child HC, born in 2017, and to settle and compromise infant plaintiffs' claims against defendants City of New York for the sum of \$50,002.00 plus costs and attorney's fees, in full satisfaction of all of infant plaintiffs' claims against defendants other than costs, expenses, attorneys' fees and interest; and it is further

ORDERED, the sum of \$25,001.00 is to be received by infant plaintiff CC, to

be deposited into an interest-bearing savings account at a bank selected by adult plaintiff Gretha Smart, to be held for CC until the event of his 18th birthday, when infant plaintiff CC shall be entitled to withdraw the entire amount of the account; and it is further

ORDERED, the sum of \$25,001.00 is to be received by infant plaintiff HC, to be deposited into an interest-bearing savings account at a bank selected by adult plaintiff Gretha Smart, to be held for HC until the event of his 18th birthday, when infant plaintiff HC shall be entitled to withdraw the entire amount of the account; and it is further


ORDERED, that in the event of death of either infant plaintiff prior to the payment date as set forth above, and in the event that either infant plaintiff has not designated a beneficiary or beneficiaries, payment shall be made to the estate of said infant plaintiffs; and it is further

ORDERED, that any and all costs and attorneys' fees, awarded pursuant to 42 U.S.C. §1988, will be paid directly to counsel, pursuant to an agreement between plaintiffs' counsel and defendant City of New York; and will not be subtracted from the proceeds to due plaintiff or infant plaintiffs; and it is further

ORDERED, that this Court retains jurisdiction of this action for enforcing or modifying this infant compromise order and for enforcing the terms of the underlying settlement.

Dated: New York, New York
December 28, 2022

SO ORDERED:


U.S.D.J.